

Docket No. 742406-10
Serial No. 09/929,279
Page 15

REMARKS

Filed concurrently herewith is Request for a One Month Extension of Time which extends the shortened statutory period for response to June 2, 2005. Accordingly, it is respectfully submitted that Applicants' response is being timely filed.

The Official Action dated February 2, 2005 has been received and its contents carefully noted. In view thereof, claims 17-19 and 21-31 have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein, claims 32, 33 and 34 have been amended and new claims 35-52 are have been added in order to further define Applicants' claimed invention. Accordingly, claims 32-52 are presently pending in the instant application.

Initially, Applicants wish to acknowledge the Examiner's indication on page 4 of the Office Action that claims 32-34 have been objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. In this regard, as can be seen from the foregoing amendments, each of claims 32-34 have been amended to recite such subject matter in independent form including all the limitations of the base claim. Accordingly, it is respectfully submitted that each of claims 32-34 are now in proper condition for allowance.

With reference now to page 2 of the Office Action, claims 17-19, 21-31 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,978,836 issued to Ouchi in view of U.S. Patent No. 6,134,582 issued to Kennedy and U.S. Patent No. 5,537,543 issued to Itoh et al. This rejection is respectfully traversed in that the combination proposed by the Examiner neither discloses nor remotely suggests that which is presently set forth by Applicants' claimed invention.

BEST AVAILABLE COPY

Docket No. 742406-10
Serial No. 09/929,279
Page 16

As can be seen from the foregoing amendments, each of claims 17-19 and 21-31 have been canceled in their entirety without prejudice nor disclaimer of the subject matter set forth therein. Accordingly, further discussion with respect to the rejection of such claims is no longer believed to be warranted.

With respect to new claims 35-52, each of these claims include subject matter similar to that of claims 32-34 and thus are believed to be in condition for allowance.

Particularly, claims 35-37 are directed to a transmission device with each of these claims corresponding to one of claims 32-34. Claims 38-40 are directed to a receiving device again, with limitations corresponding to claims 32-34 set forth in each respective claim. Claims 41-43 are directed to a transmission method, claims 44-46 are directed to a receiving method, claims 47-49 are directed to a program for transmitting and claims 50-52 are directed to a program for receiving each of which includes limitations similar to those set forth in one of claims 32-34. Accordingly, it is respectfully submitted that each of claims 35-52 includes subject matter which is neither disclosed in nor suggested by the prior art of record and thus are in proper condition for allowance.

Therefore, in view of the foregoing it is respectfully requested that the objections and rejections of record be reconsidered and withdrawn by the Examiner, that claims 32-52 be allowed and that the application be passed to issue.

Docket No. 742406-10

Serial No. 09/929,279

Page 17

Should the Examiner believe a conference would be of benefit in expediting the prosecution of the instant application, he is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



Donald R. Studebaker
Reg. No. 32,815

Nixon Peabody LLP
401 9th Street N.W.
Suite 900
Washington, D. C. 20004
(202) 585-8000